

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN DEBBY BARRETT**, on March 17, 2003 at 9 A.M., in Room 455 Capitol.

ROLL CALL

Members Present:

Rep. Debby Barrett, Chairman (R)
Rep. Dee Brown, Vice Chairman (R)
Rep. Larry Jent, Vice Chairman (D)
Rep. Norman Ballantyne (D)
Rep. Arlene Becker (D)
Rep. Sue Dickenson (D)
Rep. Carol Gibson (D)
Rep. Daniel S. Hurwitz (R)
Rep. Hal Jacobson (D)
Rep. Larry Lehman (R)
Rep. Ralph Lenhart (D)
Rep. Alan Olson (R)
Rep. Bernie Olson (R)
Rep. Don Roberts (R)
Rep. Clarice Schrumpf (R)
Rep. Frank Smith (D)
Rep. Pat Wagman (R)
Rep. Jonathan Windy Boy (D)
Rep. Cindy Younkin (R)

Members Excused: None.

Members Absent: None.

Staff Present: Sheri Heffelfinger, Legislative Branch
Joan Reiman, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: SBs 145, 413, 428, 429, 3/12/2003
Executive Action: SB 413 BE CONCURRED IN (19-0)

HEARING ON SB 428 and 429**Sponsor:** SEN JOHN ESP, SD 13**Opening Statement by Sponsor:**

SEN. ESP said SB 428 and 429 are identical, except that 428 deals with Constitutional change, and 429 with statutorial change. He wants debate on these issue regarding redistricting. He proposed a new plan based on the Iowa model. Their legislative staff, deemed the best nonpartisan, impartial group, decides based on rigidly defined criteria. They can revise the plan, but the legislature can only vote aye or no on it. His plan would allow more public input than Iowa's. He gave out an article by Ed Cook, Iowa's equivalent of Susan Fox, Legislative Services Division (LSD), which tells how they did it. At the end of the process, if Commissioners can't agree, the Plan goes not to the Supreme Court but to a three-judge panel of District Court judges selected by the Supreme Court. On SB 428, Page 2, Line 26 was added at the suggestion of LSD. Plan revision must be done by them and then go to the Legislature. He put the plan criteria in SB 429 for statute changed, but it could be Constitutional, if the committee wished, he stated.

EXHIBIT (sth56a01)**{Tape: 1; Side: A; Approx. Time Counter: 0 - 26}****Proponents' Testimony:** None**Opponents' Testimony:**

Brad Martin, Executive Director, Montana Democratic Party, opposes both bills. He wants the Redistricting Commission to have real authority. He objects to the 1% criterion and notes that it provides its own loopholes. He testified the outcome will be challenged by Montana geography.

Scott Crichton, MT ACLU, discussed the Iowa model. Iowa is a square state; there is a lack of geographic similarity and also political similarity. They have fewer minorities. He said this bill tries to take partisanship out but may take out racial fairness. He testified that the federal courts have said up to 10% deviation is okay to accomplish racial fairness. He provided written testimony.

EXHIBIT (sth56a02)**{Tape: 1; Side: A; Approx. Time Counter: 27 - 43}****Informational Testimony:** None

Questions from Committee Members and Responses:

REPS. BECKER, BROWN, DICKENSON, GIBSON, HURWITZ, SMITH, YOUNKIN and WINDY BOY had questions for the sponsor and Mr. Martin and Mr. Crichton.

SEN. ESP said if the criteria are rigid, and if the LSD doesn't change any criteria, and the legislature votes only yes or no, then the process stays nonpartisan. In event of a tie, they must work until it is broken. If they can't agree by day 78, the legislature is out of the decision; there would have to be a basis for a court case. Criteria make it hard to do anything different than stated. If the session goes to meeting annually, there will be more time constraints. If leadership buys into the consensus process, it would change how they appoint; if they cannot find a fifth member, maybe there should be six. The LSD staff to work on this would have their other work put on the back burner. He spoke with them, and they feel it is workable. Only three part-timers would do this work. This would be financed separately, during the interim, but there would be a fiscal impact. Presently no public hearings are mandated (but hearings have always been held). This will require at least five hearings or whatever number the committee wants. Iowa has used this system for three decades without court challenge.

Mr. Martin testified he has a problem with the criteria of 1% population deviance, and with the "contiguous" issue. The system we have now is the best, he said. An even number of Commissioners would take a long time to decide. **Mr. Crichton** is concerned that narrowing the deviation to plus or minus 1% will disenfranchise Montanans, mostly Native Americans.

{Tape: 1; Side: A; Approx. Time Counter: 43 - 66}

{Tape: 1; Side: B; Approx. Time Counter: 0 - 12.4}

Closing by Sponsor:

SEN. ESP said that the 1972 Constitutional Convention debated and came up with the compromise that the Commission would develop, and which the Legislature would review. They envisioned that the Commission would meld legislative considerations into the plan but the current plan did not, he stated. He suggested to leadership a joint subcommittee with equal representation to debate this. He said that the courts have ruled that 1% is still not close enough, but this committee could set 2%, for example, if there is overriding state interest in protecting political subdivisions. He stated he is open to better or more fair ideas from committee, and is open to amendments.

{Tape: 1; Side: B; Approx. Time Counter: 12.4 - 21.3}

HEARING ON SB 413

Sponsor: SEN. SAM KITZENBERG, SD 48

Opening Statement by Sponsor:

SEN. KITZENBERG said this bill recognizes the National Guard and designates US 2 as the 163rd Infantry Regiment (Sunset Division) Heritage Highway.

{Tape: 1; Side: B; Approx. Time Counter: 24 - 29.3}

Proponents' Testimony:

Col. (Ret.) Raymond K. Read, National Guard, said it is 677 miles, border to border, and represents over 100,000 who served.

Joseph W. Upshaw, National Guard, Retired, said the 163rd was there 15 months before Pearl Harbor. He provided battle pictures.

EXHIBIT (sth56a03)

Fred Naegele, Helena, said he was one of less than 100 survivors. There were no parades or banners for these men.

Lt. Col. Bob Sperry, Brigade Commander, urged support of these heroes.

{Tape: 1; Side: B; Approx. Time Counter: 29.3 - 47.5}

Opponents' Testimony: None

Informational Testimony:

John Blacker, MDT Maintenance Supervisor, said they are prepared to install signs, with details worked out.

Questions from Committee Members and Responses:

REPS. BROWN, BALLANTYNE, JENT, ROBERTS, SMITH and WINDY BOY had questions. **Mr. Blacker** said the cost of signage for 16 signs is approximately \$3,400. The design shows the emblem. There are some 15 highways with a designation. I-15 is the only one associated with the military. **Mr. Read** said I-15 is the veterans highway in all states. The section from Butte to Helena is named the Maureen and Mike Mansfield Memorial Highway.

{Tape: 1; Side: B; Approx. Time Counter: 47.5 - 56.8}

Closing by Sponsor:

SEN. KITZENBERG wanted more signs, but MDT has budget constraints. Proponents volunteered to raise money if the state did not pick it up. The younger generation should be aware of the heritage, history and sacrifices made, he said.

{Tape: 1; Side: B; Approx. Time Counter: 56.8 - 59}

EXECUTIVE ACTION ON SB 413

Motion: REP. BROWN moved SB 413 BE CONCURRED IN.

Motion: REP. BALLANTYNE moved that SB 413 BE AMENDED.

Discussion: REP. BALLANTYNE wanted Hwy. 2 signs to remain, along with the new signs, to avoid confusion. Mr. Blacker said they would remain.

Motion to amend was withdrawn.

Vote: On a voice vote, motion carried 19-0.

Discussion: REP. JENT said he would carry it in the House. It was not moved to the consent calendar so that all House members can hear it.

{Tape: 1; Side: B; Approx. Time Counter: 59 - 64}

{Tape: 2; Side: A; Approx. Time Counter: 0 - 2}

HEARING ON SB 145

Sponsor: SEN. JOHN BOHLINGER, SD 7

Opening Statement by Sponsor:

SEN. BOHLINGER said this bill is similar to the bill which passed allowing military veterans to purchase Public Employee Retirement System (PERS) at actuarial cost. This bill would allow national service volunteers, such as Peace Corps, to do so. There is no fiscal impact, but they must pay their own costs, and must document the service, he said.

{Tape: 2; Side: A; Approx. Time Counter: 2 - 7.5}

Proponents' Testimony:

Mike Lee, ex-Peace Corps volunteer, said this would provide more uniformity to PERS.

Mike Wherley, MDT, also an ex-Peace Corps volunteer, testified in favor of the bill.

{Tape: 2; Side: A; Approx. Time Counter: 7.5 - 12}

Opponents' Testimony: None

Informational Testimony:

Kelly Jenkins, PERS General Counsel, was there to answer questions for Mike O'Connor.

Steve Nelson, Governor's Office of Community Service, testified this would cover AmeriCorps and Vista. His office monitors an online databases that documents service, audited annually. Program directors sign off on certification at the end.

{Tape: 2; Side: A; Approx. Time Counter: 13 - 16.5}

Questions from Committee Members and Responses:

REP. BROWN asked **Mr. Nelson** how many other states allow purchase of the five years. He did not know. **REP. SMITH** asked if all the programs were two years. **Mr. Nelson** said they were two years, but some allow them to serve one more year. The funding is local, or grants; some money is federal, but they are not federal employees. **REP. WAGMAN** asked **Mr. Jenkins** if PERS considered the effect on the retirement system of people buying in earlier. They did consider that in the fiscal statement.

{Tape: 2; Side: A; Approx. Time Counter: 17 - 22}

Closing by Sponsor: Sponsor closed.

ADJOURNMENT

Adjournment: 11:20 A.M.

REP. DEBBY BARRETT, Chairman

JOAN REIMAN, Secretary

DB/JR

EXHIBIT (sth56aad)